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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,831	12/11/2000	Jose E. Korneluk	CM03265J	2446

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,831

Applicant(s)

KORNELUK ET AL.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claim 9 is allowed.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

Claim 9 is allowed with the same reasons set forth in the previous Office action (paper #3 mailed on 7-21-2003).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Danghani (U.S. Patent No. 5,862,470).

Regarding to claim 1, Damghani teaches the communication device, comprising:

A portable wireless transceiver capable of operating with a plurality of affiliations; (see fig. 4 item 96 with 104, 106, 108, and col. 1, lines 54-60), a memory storing data associated with the plurality of affiliations and time information associated with each of the plurality of affiliations (see fig. 4 col. 6, lines 7-41) the time information governing what time each of the plurality of affiliations is to be an active affiliation; means for determining a current time; and a controller which compares the current time with the time information to determine which of the plurality of

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affiliations is to be active, and which directs the transceiver to operate in accordance with the data associated with the active affiliation (see figs. 4-5 and col. 1 lines 64 - col. 2, lines 1-24, col. 6, lines 7- col. 7 - col. 8., lines 1-4).

Regarding to claim 2, Damghani teaches wherein the means for determining a current time comprises means for decoding a transmitted time received on a control channel (see col. 6, lines 51-67, col. 7, lines 1-14).

Regarding to claim 3, Damghani teaches wherein the means for determining a current time comprises a real time clock (see fig. 1 item 40 is real time clock and fig. 7 item 174 determine real time, col. 4, lines 14-24).

Regarding to claims 4 and 17, Damghani teaches wherein the time information comprises time of day information and day information (see, col. 4, lines 14-24).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8, 10-15 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Damghani (U.S. Patent No. 5,862,470) as applied to claims 1-4 above, and further in view of Huttunen (U.S. Patent No. 5,448,622).

Regarding to claims 5, 13 and 18, Damghani teaches wherein two of the plurality of affiliations comprise affiliations with a single communication system (see col. 2, lines 1-61). But Damghani fails to show which is using two NAMs.

However, Huttunen teaches the cellular telephone with plural telephone numbers or two NAMs (see abstract lines 1-4, and col. 1, lines 32-39).

Therefore, it would have been obvious to one of the ordinary skill in the art the time invention was made to modify the Damghani system and the providing of the teaching of Huttunen on the cellular telephone with plural telephone numbers or two NAMs thereto in order to provide user with the flexibility and convenience to have two numbers for office and private number in the same telephone.

Regarding to claims 6 and 14, the combination of Damghani and Huttunen teaches wherein two of the plurality of affiliations comprise affiliations with two different communication systems (see Huttunen col. 1, line 58-61, and col. 2, lines 40-46).

Regarding to claims 7 and 15, the combination of Damghani and Huttunen teaches wherein two of the plurality of affiliations comprise affiliations with two telephone numbers (see Huttunen fig. 3 items 543 and 544 and abstract lines 1-11).

Regarding to claim 8, Damghani teaches the multi-mode wireless telephone device, comprising: a wireless transceiver capable of operating with at least two affiliations (see fig. 4 item 96 with 104, 106, 108, and col. 1, lines 54-60), the wireless transceiver operating to receive system information including time information transmitted over a control channel, the system information comprising at least time, day of week, month, and day of month; a memory storing data associated with the plurality of affiliations (see fig. 4 col. 6, lines 7-41) and time information associated with each of the plurality of affiliations, the time information governing what time each of the plurality of affiliations is to be an active affiliation; and a controller which compares the current time with the time information to determine which of the plurality of affiliations is to be active, and which directs the transceiver to operate in accordance with data associated with the active affiliation (see figs. 4-5 and col. 1 lines 64 - col. 2, lines 1-6, col. 6, lines 7- col. 7 and col. 8., lines 1-4). But Damghani fails to show the wireless telephone device associated with at least two NAMs.

However, Huttunen teaches the cellular telephone with plural telephone numbers or two NAMs (see abstract lines 1-4, and col. 1, lines 32-39).

Therefore, it would have been obvious to one of the ordinary skill in the art the time invention was made to modify the Damghani system and the providing of the teaching of Huttunen on the cellular telephone with plural telephone numbers or two NAMs thereto in order to provide user with the flexibility and convenience to have two numbers for office and private number in the same telephone.

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Regarding to claim 10, Damghani teaches for determining a current time comprises means for decoding a transmitted time received on a control channel (see col. 6, lines 51-67, col. 7, lines 1-14).

Regarding to claim 11, Damghani teaches wherein the means for determining a current time comprises a real time clock (see fig. 1 item 40 is real time clock and fig. 7 item 174 determine real time, col. 4, lines 14-24).

Regarding to claim 12, Damghani teaches wherein the time information comprises time of day information and day information (see, col. 4, lines 14-24).

7. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danghani (U.S. Patent No. 5,862,470) in view of Yegoshin (U.S. Pub. No. 20010012282).

Regarding to claims 16 and 19, Damghani teaches wherein one of plurality of affiliations includes Wireless network (see fig. 1). But Damghani fails to show a local area network (LAN).

However, Yegoshin teaches dual mode wireless phone with a local area network (LAN) (see figs. 1 and 2, page 2, section [0014]).

Therefore, it would have been obvious to one of the ordinary skill in the art the time invention was made to modify the Damghani system and the providing of the teaching of Yegoshin on the cellular telephone with dual mode for operation with LAN thereto in order to provide user with convenience to send audio and data on both cell-phone network and LAN.

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8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danghani (U.S. Patent No. 5,862,470) in view of Kransmo (U.S. 6,597,911).

Regarding to claim 20, Damghani teaches a method of time affiliation for portable wireless two way communication device with a plurality of systems having respective affiliation information (see fig. 4 item 96 with 104, 106, 108, and col. 1, lines 54-60), comprising determining expiration of current time (see col. 6, lines 24-37, and col. 12, lines 10-12); the system having the current timed affiliation ((see figs. 4-5 and col. 1 lines 64 - col. 2, lines 1-24, col. 6, lines 7- col. 7 - col. 8., lines 1-4); setting up new registration parameters for a new system with the new timed affiliation (see figs. 5-6, col. 6, lines 42-67, and col. 7, lines 1-16); transmitting a request for registering on the new system with the new timed affiliation; and if a new affiliation registration is accepted, establishing communication with the new system associated with the new timed affiliation (see col. 5, lines 21-46, and col. 6, lines 1-64). But Damghani to teaches for deregistering from the system.

However, Kransmo teaches for deregistering from the system (see fig. 2, col. 2, lines 49-59).

Therefore, it would have been obvious to one of the ordinary skill in the art the time invention was made to modify the Damghani system and the providing of the teaching of Kransmo on the cellular telephone with dual mode deregistering from the system thereto in order to provide user with convenience to communication using different network.

Response to Arguments

8. Applicant's arguments filed 1-8 have been fully considered but they are not persuasive.

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Applicant argues that the reference of Danghani (U.S. Patent No. 5,862,470) is not show or suggest the portable communication device. Examiner does not agree, the reference of Danghani teaches the portable devices (see Danghani, fig. 1 mobile phone 12, 14, 16, 18, 20 and 22 or fig. 4 mobile phone 12, see col. 2, lines 1-24).

In addition, the portable communication device in claim 1 and the multi-mode device as defined in claim 8, that is the preamble, since on 7.37.10 Unpersuasive Argument: Limitation(s) in Preamble.

In response to applicant's arguments, the recitation in claim 1 and the multi-mode device as defined in claim 8, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (571) 272-7882.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Art Unit 2684
April 4, 2005



NICK CORSARO
PRIMARY EXAMINER